

# MALDIVES 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution designates Islam as the state religion, requires citizens to be Muslim, and requires public office holders, including the President, to be followers of Sunni Islam. The constitution provides for limitations on rights and freedoms “to protect and maintain the tenets of Islam.” The law states both the government and the people must protect religious unity. Propagation of any religion other than Islam is a criminal offense. The law criminalizes “criticism of Islam” and speech “in a manner likely to cause religious segregation.” The penal code permits the administration of certain sharia punishments, such as flogging, stoning, and amputation of hands, but no sentences were carried out during the year. During June and July, groups of religious scholars, island councils, and youth groups released statements calling on the government to deregister the women’s rights nongovernmental organization (NGO) Uthema, citing the group’s *Shadow Report to the United Nations Committee on the Elimination of Discrimination Against Women* as including content derogatory to Islam. In October, a group of religious scholars called on the government to stop “allowing irreligious individuals and those who criticize Islam to remain free and take action against them as prescribed by Islamic Shariah and the law.” In March, Maldives Police Services (MPS) investigated a man from Thinadhoo Island in Gaafu Dhaalu atoll for a second time on suspicion of “criticizing Islam” and in April charged him with the lesser charge of “obstructing justice.” He was convicted in June, sentenced to one year’s imprisonment, and remained in detention at year’s end. The Ministry of Islamic Affairs (MIA) continued to maintain control over all matters related to religion and religious belief, including requiring imams to use government-approved sermons in Friday prayers. The government continued to prohibit resident foreigners and foreign tourists from practicing any religion other than Islam in public.

NGOs reported that religiously motivated violent extremists continued to issue death threats against individuals on social media, including employees of human rights organizations, labeling them “secularists” or “apostates” and calling for attacks against them. NGO representatives said they continued to see what they termed Islamic radicalism and fundamentalism among the populace, stating the government’s efforts to address this trend were insufficient. NGO representatives also said the open investigation against the NGO Maldivian Democracy Network (MDN), which was banned in 2019 on grounds of releasing a report that “criticized Islam,” and the failure of the government to publicly refute statements by popular

religious figures characterizing NGOs as “irreligious” prevented them from publicly supporting those subjected to this harassment.

There is no permanent U.S. diplomatic presence in Maldives, but the U.S. Ambassador to Sri Lanka is also accredited to the country, and Embassy Colombo staff represents U.S. interests there. In contacts with government officials, embassy officials regularly encouraged the government to investigate threats against individuals targeted as “secularists” or “apostates,” to be more tolerant of religious traditions other than Sunni Islam, and to ease restrictions preventing non-Sunnis from practicing freely. In meetings with government agencies, embassy officials expressed concern over harassment of individuals and organizations characterized as “irreligious,” appealed against the dissolution of Uthema, and urged the government to formulate a longer-term strategy to deal with incidents of online hate speech and harassment of NGOs and individuals.

### **Section I. Religious Demography**

The total population of Maldivians is 392,000 (midyear 2020 estimate). The government estimates the total population is 557,426, including 117,000 documented and 63,000 undocumented foreign workers in the country, mostly from Bangladesh, Sri Lanka, India, and Pakistan. While most citizens follow Sunni Islam (indeed, citizenship requires it), there are no reliable estimates of actual religious affiliations. Foreign workers are predominantly Muslims, Buddhists, Hindus, and Christians.

### **Section II. Status of Government Respect for Religious Freedom**

#### **Legal Framework**

The constitution states the country is a republic based on the principles of Islam and designates Islam as the state religion, which it defines in terms of Sunni teachings. It states citizens have a “duty” to preserve and protect Islam. According to the constitution, non-Muslims may not obtain citizenship.

The constitution states citizens are free to engage in activities “not expressly prohibited” by sharia, but it stipulates the Majlis (the country’s legislative body) may pass laws limiting rights and freedoms “to protect and maintain the tenets of Islam.” In deciding whether a limitation on a right or freedom is constitutional, the constitution states a court must consider the extent to which the right or freedom “must be limited” to protect Islam.

The constitution makes no mention of freedom of religion. Although it contains a provision prohibiting discrimination “of any kind,” it does not list religion as a prohibited basis for discrimination. The constitution states individuals have a right to freedom of thought and expression, but only in a manner “not contrary to the tenets of Islam.”

The law prohibits the conversion of a Muslim to another religion. By law, a violation may result in the loss of the convert’s citizenship, although a judge may impose a harsher punishment per sharia jurisprudence. Although the law does not stipulate such punishment, sharia jurisprudence is often understood by the public and religious scholars to provide for the death penalty in cases of conversion from Islam (i.e., apostasy), but the government has made no such statement.

The law states both the government and the people must protect “religious unity.” Any statement or action found to be contrary to this objective is subject to criminal penalty. Specific infractions include expressing religious beliefs other than Islam, disrupting religious unity, and having discussions or committing acts that promote religious differences. The list of infractions also includes delivering religious sermons in a way that infringes upon the independence and sovereignty of the country or limiting the rights of a specific section of society. According to the law, sentences for violators may include a fine of up to 20,000 rufiyaa (\$1,300), imprisonment for two to five years, or deportation for foreigners.

Laws criminalize speech breaking Islamic tenets, breaching social norms, or threatening national security. The penal code criminalizes “criticism of Islam.” According to the law, a person commits the offense of “criticizing Islam” by “engaging in religious oration or criticism of Islam in public or in a public medium with the intent to cause disregard for Islam; producing, selling, or distributing material criticizing Islam; producing, selling, distributing, importing, disseminating, or possessing ‘idols of worship’; and/or attempting to disrupt the religious unity of the citizenry and conversing and acting in a manner likely to cause ‘religious segregation.’” Individuals convicted of these offenses are subject to imprisonment for up to one year.

By law, no one may deliver sermons or explain religious principles in public without obtaining a license from the MIA. Imams may not prepare Friday sermons without government authorization. To obtain a license to preach, the law specifies an individual must be a Sunni Muslim, have a degree in religious studies from a university recognized by the government, and not have been convicted of a crime

in sharia court. The law also sets educational standards for imams to ensure they have theological qualifications the government considers adequate. Government regulations stipulate the requirements for preaching and contain general principles for the delivery of religious sermons. The regulations prohibit making statements in sermons that may be interpreted as racial or gender discrimination, discouraging access to education or health services in the name of Islam, or demeaning the character of and/or creating hatred toward persons of any other religion. The law provides for a punishment of two to five years in prison or house arrest for violations of these provisions. Anyone who assists in such a violation is subject to imprisonment or house arrest for two to four years and a fine of 5,000 to 20,000 rufiyaa (\$320 to \$1,300). The law requires foreign scholars to ensure their sermons conform to the country's norms, traditions, culture, and social etiquette.

Propagation of any religion other than Islam is a criminal offense, punishable by two to five years in prison or house arrest. Proselytizing to change denominations within Islam is also illegal and carries the same penalty. If the offender is a foreigner, authorities may revoke the individual's license to preach in the country and deport the individual.

By law, mosques and prayer houses are under the control of the MIA. The law prohibits the establishment of places of worship for non-Islamic religious groups.

The law states, "Non-Muslims living in or visiting the country are prohibited from openly expressing their religious beliefs, holding public congregations to conduct religious activities, or involving Maldivians in such activities." By law, those expressing religious beliefs other than Islam face imprisonment of up to five years or house arrest, fines ranging from 5,000 to 20,000 rufiyaa (\$320 to \$1,300), and deportation.

By law, a female citizen may not marry a non-Muslim foreigner unless he first converts to Islam. A male citizen may marry a non-Muslim foreigner if the foreigner is Christian or Jewish; other foreigners must convert to Islam prior to marriage.

The law prohibits importation of any items the MIA deems contrary to Islam, including religious literature, religious statues, alcohol, pork products, and pornographic materials. Penalties for contravention of the law range from three months' to three years' imprisonment. It is against the law to offer alcohol to a citizen, although government regulations permit the sale of alcoholic beverages to

foreigners on resort islands. Individuals must request permission to import restricted goods from the Ministry of Economic Development.

The constitution states education shall strive to “inculcate obedience to Islam” and “instill love for Islam.” In accordance with the law, the MIA regulates Islamic instruction in schools, while the Ministry of Education funds salaries of religious instructors in schools. By law, educators who teach Islamic studies must have a degree from a university or teaching center accredited by the Maldives Qualification Authority or other religious qualification recognized by the government. By law, foreigners who wish to teach Islamic studies may receive authorization to do so only if they subscribe to Sunni Islam. Islam is a compulsory subject for all primary and secondary school students. The curriculum incorporates Islam into all subject areas at all levels of education, specifying eight core competencies underpinned by Islamic values, principles, and practices. In practice, foreign, non-Muslim children are allowed to opt out of studying Islam.

The constitution states Islam forms one basis of the law, and “no law contrary to any tenet of Islam shall be enacted.” The constitution specifies judges must apply sharia in deciding matters not addressed by the constitution or by law, but sharia is not considered applicable to non-Muslims.

The penal code prescribes flogging for unlawful sexual intercourse (adultery, fornication, and same-sex relations), incest, false accusation of unlawful sexual intercourse, failing to fast during Ramadan, or (for Maldivian citizens only) consuming pork or alcohol. Other sharia penalties are not specified, but the code grants judges the discretion to impose sharia penalties for certain offenses under sharia – including murder, apostasy, assault, theft, homosexual acts, drinking alcohol, and property damage – if proven beyond all doubt. The penal code requires that all appeal processes be exhausted prior to the administration of sharia punishments specific to these offenses, including stoning, amputation of hands, and similar punishments.

The Supreme Council of Fatwa has the authority to issue fatwas, or legal opinions, on religious matters. The council functions under the MIA and comprises five members appointed to five-year terms. The President names three members directly and chooses a fourth from the faculty of either the Maldives National University or the Islamic University of Maldives. The Minister of Islamic Affairs recommends the fifth member, subject to the President’s approval.

The constitution stipulates the President, cabinet ministers, members of parliament, and judges must be Sunni Muslims.

The country is a party to the International Covenant on Civil and Political Rights (ICCPR), with a reservation stating the government's application of the principles set out in ICCPR Article 18, which relates to religious freedom, shall be "without prejudice to the Constitution of the Republic."

### **Government Practices**

The government reported that eight adults were sentenced to flogging during the year, five for consuming alcohol and three for extramarital sex, but none of the sentences were carried out, pending completion of appeals.

In January, six men linked to a Maduvvari Island-based terrorist cell were charged with supporting a terrorist organization and promoting materials supporting terrorist organizations and producing or distributing obscene materials under the Anti-Terrorism Act and penal code. Their trial continued at year's end, according to the Prosecutor General's Office, but all six had been released from custody by the court because of an "excessive amount of detention." The group was led by Maldivian ISIS leader and recruiter Mohamed Ameen, who was arrested in December 2019 and remained in custody with his trial underway at year's end.

In March, MPS investigated a man from Thinadhoo Island in Gaafu Dhaalu atoll for a second time on suspicion of "criticizing Islam," and in April charged him with "obstructing justice." He was convicted in June, sentenced to one year's imprisonment, and remained in detention at year's end. The man was initially arrested in 2019 after he posted on social media that he was holding "irreligious discussions" with the youth on his island with the intention to plan rallies encouraging secularism. The government filed charges of "criticizing Islam" against him in 2019, but the Thinadhoo Magistrate Court dismissed the case and released him from custody in March after police failed to present him for a court hearing. He was arrested again two days later for again posting social media content that authorities determined to be critical of Islam. In 2019, MPS told media it was separately investigating death threats against the man, but as of the end of the year, they had not made arrests or filed charges over the death threats.

In October 2019, MPS questioned a woman not identified by local media in relation to "content that criticizes Islam being posted on a social media account." The case was closed with no further action when the woman left the country.

During the year, the government did not take further action on an investigation launched in 2019 against employees of the NGO MDN, which had been deregistered in December 2019 because the group's 2015 *Preliminary Report on Radicalization in Maldives* contained content that mocked Islam and the Prophet, according to MPS and the Ministry of Youth, Sports, and Community Empowerment. MPS reported the investigation remained open as of year's end.

In June and July, groups of religious scholars, island councils, and youth groups released statements calling on the government to deregister the women's rights NGO Uthema because the group's *Shadow Report to the United Nations Committee on the Elimination of Discrimination Against Women* included content the groups said was derogatory to Islam. The statements called on the Ministry of Youth, Sports, and Community Empowerment to deregister Uthema as it had previously done with MDN. The government had not taken action against Uthema as of year's end.

In January, the MIA announced it was looking into a complaint submitted by an unidentified party alleging the international NGO Quilliam Foundation had conducted "anti-Islamic" workshops for school students and parents in Hanimaadhoo Island in Haa Dhaalu atoll and Hithadhoo in Addu City in January. The ministry had taken no further action in the case as of year's end.

NGOs reported the open investigation against MDN and failure of the government to publicly refute statements by popular religious figures characterizing NGOs as "irreligious" prevented them from expressing solidarity or publicly supporting those subjected to harassment in case of similar action against their organizations. In December, to mark one year since the deregistration of MDN, four international human rights NGOs released a statement that noted, "The Government of Maldives, by taking arbitrary and unconstitutional actions to silence civil society, has set a dangerous precedent that has resulted in a violent witch hunt of human rights defenders and civil society organizations."

The trial of seven men for the 2017 killing of blogger Yameen Rasheed, a critic of religious fundamentalism and violent extremism, remained pending at year's end.

Victims of online harassment and threats continued to say they believed themselves vulnerable because of the lack of police responsiveness to their complaints and because similar occurrences had preceded the 2014 disappearance and killing of journalist Ahmed Rilwan and the 2017 killing of Rasheed. MPS

reported investigating one case of online harassment, which was concluded without any arrests or action.

The Communications Authority of Maldives (CAM) continued to maintain an unpublished blacklist of websites containing material it deemed un-Islamic or anti-Islamic. CAM did not proactively monitor internet content but instead relied on requests from ministries and other government agencies to block websites violating laws against criticism or defamation of Islam. Police reported investigating one website and 14 twitter handles for “criticizing Islam” because of un-Islamic content but had filed no charges as of year’s end.

The MIA continued to maintain control over all matters related to religion and religious belief, including requiring imams to use government-approved sermons in Friday prayers. The government maintained its ownership and control of all mosques, including their maintenance and funding. The government continued to permit private donors to fund mosques as well.

According to the MIA, foreign residents, such as teachers, laborers, and tourists, remained free to worship as they wished in private, but congregating in public for non-Islamic prayer remained illegal, as was encouraging local citizens to participate in such activities

Customs authorities said the MIA continued to permit the importation of religious literature, such as Bibles, for personal use. The MIA also continued to allow some religious literature for scholarly research. Customs officials reported 26 cases involving importation of religious idols, statues, and Christian crosses during the year. Authorities confiscated these items but did not press charges.

The Christian international NGO Open Doors said that Christians visiting the country reported being “closely watched.” The government reported that no such complaints were lodged with police or other authorities, and if any cases of this nature were identified, there would have been records of an investigation. There were no other reports of Christians being monitored in the country.

The MIA continued to conduct what it termed “awareness programs” through radio and television broadcasts in Male and on various islands to give citizens information on Islam, and it continued to provide assistance and counseling to foreigners seeking to convert to Islam. The ministry, in partnership with religious NGOs, continued to send imams to outer atolls to conduct workshops for students,

youth, and others in schools and government buildings for the stated purpose of strengthening the islanders' understanding and acceptance of Islam.

The National Institute of Education continued to implement a curriculum for public and private schools incorporating Islam into all subject areas. According to NGOs, passages in some textbooks portrayed democracy as being anti-Islam, encouraged anti-Semitism and xenophobia, glorified jihad, and demonized the West. The MIA continued to permit foreign individuals to opt out of Islamic instruction as a stand-alone subject. The MIA continued to permit foreigners to teach their own children religious content of their choice, but only in private.

In contrast with previous years, observers did not note any cases of the Family Court refusing to register children if one of the parents was a non-Muslim, although NGO representatives said they did not believe this was from any change in government policy.

### **Section III. Status of Societal Respect for Religious Freedom**

NGOs continued to report that persistent online and in-person threats against individuals perceived to be insufficiently Muslim effectively foreclosed the possibility of meaningful discussion on religious issues in the country. NGOs reported that online death threats and attacks against those perceived to be critical of Islam continued throughout the year with little action from authorities. MPS reported investigating one case of online harassment, which was concluded without any arrests or action.

NGOs reported continuing instances of individuals deemed “secularists” or “apostates” receiving death threats and being cyberbullied. As of the end of the year, MPS had yet to publicize any action taken in relation to an investigation into hate speech and death threats launched in 2019 after “Murtad Watch” (Apostate Watch), a public channel on the social media application Telegram, compiled a list and profiled citizens deemed to be “apostates” and pointed out that the sharia penalty for apostasy is death. MPS reported the lack of cybercrime legislation posed obstacles to investigation of online hate speech perpetrated by anonymous accounts and on social media channels. However, MPS reported in December that the Murtad Watch group “is currently not active on any platforms,” although MPS did not specify whether authorities had taken any action that resulted in the group’s removal, or if the operators deleted the group on their own accord.

In October, a group of religious scholars who had played a leading role in the campaign calling for deregistration of MDN in 2019 released a statement calling on the government to stop “allowing irreligious individuals and those who criticize Islam to remain free...,” and urging it to “take action against them, as prescribed by Islamic Shariah and the law.”

NGOs reported continued community pressure on women to wear hijabs and harassment of women who chose not to do so.

In its report covering 2020, Open Doors included the country on its World Watch List, noting that conversion to Christianity “can easily result in a report to Muslim authorities.” Open Doors reported that the children of converts experienced shunning and harassment in school if the conversion was discovered. They said that converts were forced to live secret lives and tried to conceal their conversion and blend in.

Media did not question Islamic values or the government’s policies on religion. NGO and journalist sources stated media practiced self-censorship on matters related to Islam due to fears of harassment for being labeled “anti-Islamic.” Several outlets continued to avoid publishing bylines to protect their journalists from punitive actions or harassment.

#### **Section IV. U.S. Government Policy and Engagement**

There is no permanent U.S. diplomatic presence in the country, but the U.S. Ambassador to Sri Lanka to Sri Lanka is also accredited to the country, and Embassy Colombo staff represent U.S. interests there. In virtual meetings throughout the year, embassy officials continued to encourage the government to be more tolerant of religious traditions other than Sunni Islam, to ease restrictions preventing individuals other than Sunni Muslims from practicing their religions freely, and to prioritize investigations into threats against individuals targeted for their perceived “secular” viewpoints. In meetings with government agencies, embassy officials expressed concern regarding harassment of individuals and organizations characterized as “irreligious,” appealed against the dissolution of Uthema, and urged the government to formulate a longer-term strategy to deal with incidents of online hate speech and harassment of NGOs and individuals.